# UNITED STATES PATENT AND TRADEMARK OFFICE

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 10/099,853 | 03/13/2002 | Matti Salmi | 944-001.065 | 4491 |

4955        7590        02/04/2008
WARE FRESSOLA VAN DER SLUYS & ADOLPHSON, LLP
BRADFORD GREEN, BUILDING 5
755 MAIN STREET, P O BOX 224
MONROE, CT 06468

| EXAMINER |
|---|
| NGUYEN, THUONG |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2155 | |

| MAIL DATE | DELIVERY MODE |
|---|---|
| 02/04/2008 | PAPER |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

# BEFORE THE BOARD OF PATENT APPEALS
# AND INTERFERENCES

# MAILED

Application Number: 10/099,853
Filing Date: March 13, 2002
Appellant(s): SALMI ET AL.

FEB 0 4 2008

Technology Center 2100

Francis J. Maguire
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed 12/3/07 appealing from the Office action mailed

2/15/07.

## (1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

## (2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

## (3) Status of Claims

The statement of the status of claims contained in the brief is correct.

## (4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

## (5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

## (6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

## (7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

## (8) Evidence Relied Upon

| 6,301,609 B1 | Aravamudan | 9-1999 |
| 2002/0006803 A1 | Mendiola | 5-2000 |

## (9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

### Claim Rejections - 35 USC § 102

1.      The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2.      Claims 1-5, 7-12, 14-19, 21-26, 28-32, 34-39, 41-46, 48-53, 55-59, 61-62, 64-65 are

rejected under 35 U.S.C. 102(e) as being anticipated by Aravamudan Patent No.

6,301,609 B1.  Aravamudan teaches the invention as claimed including assignable

associate priorities for user-definable instant messaging buddy groups (see abstract).

3.      As to claim 1, Aravamudan teaches a method comprising by:

providing said primitive with an information element identifying a client of said

terminal device (col 4, lines 65 – col 5, lines 13; Aravamudan discloses that the method of

identified the client via the client's client premises equipment through the third party

provider for Instant Message service and the service provider), and

providing said primitive identifying said client also with an information element

identifying a user of said client (col 6, lines 45-53; Aravamudan discloses that the method

of identified the user based on the registers address of the user's Instant message server and provisions the client CPE software with a unique identification).

4.      As to claim 2, Aravamudan teaches the method as recited in claim 1, wherein said primitive is an update presence primitive for use in communicating presence information to said network (col 6, lines 18-31; Aravamudan discloses that the method of updating the personal and rule database base on the client's Internet addresses and personally defined).

5.      As to claim 3, Aravamudan teaches the method as recited in claim 1, wherein said primitive is an unsubscribe presence primitive for communicating a request to said network to discontinue receipt of selected presence information (col 8, lines 10-19; Aravamudan discloses that the method of determined whether or not the client is terminated from the session and any loss of connectivity and loss of physical connection).

6.      As to claim 4, Aravamudan teaches the method as recited in claim 1, wherein said primitive is a leave group primitive for communicating a request to discontinue participation in a group to said network (col 7, lines 41-49; Aravamudan discloses that the method of determine the time when the user is inactive or disconnect in a period of time).

7.      As to claim 5, Aravamudan teaches the method as recited in claim 1, wherein said primitive is a create group primitive for communicating a request to create a group to said network (col 6, lines 58-63; Aravamudan discloses that the method of creating the buddy group for the user which includes the user's CPE and CSP identity).

8.      As to claim 7, Aravamudan teaches the method as recited in claim 1, wherein said primitive is a get group information primitive for communicating a request for group

information to said network (col 9, lines 45-57; Aravamudan discloses that the method of

creates buddy groups and defines specific attributes to associates included within each

group).

9.      As to claim 8, Aravamudan teaches the method as recited in claim 1, comprising:

        providing said primitive with an information element identifying a client of another

terminal device (figure 2; Aravamudan discloses that the method of providing the

information to identify the clients such as mobile phone, handheld, laptop... which

associate with the instant message server and service provider), and

        providing said primitive with an information element identifying a user of said client

of said another terminal device (figure 4; Aravamudan discloses that the method of

providing the information which identify the user selects service which registers name and

password).

10.    As to claim 9, Aravamudan teaches the method as recited in claim 8, wherein said

primitive is a get presence primitive for communicating a request for presence information

to said network (col 6, lines 33-44; Aravamudan discloses that the method of providing the

new user in accordance with the principles of the present invention which prompted for and

selects password).

11.    As to claim 10, Aravamudan teaches the method as recited in claim 8, wherein said

primitive is a subscribe presence primitive for communicating a request to subscribe to

presence information to said network (col 3, lines 37-41; Aravamudan discloses that the

method of subscribe client's CPE for the Internet access service).

12.    As to claim 11, Aravamudan teaches the method as recited in claim 8, wherein said

primitive is a message primitive for communicating a message to said network (col 8, lines

23-31; Aravamudan discloses that the method of conveys instant messages to one or

more predetermined buddies of the user to indicate the off-line status or on-line status of

the user).

13.    As to claim 12, Aravamudan teaches the method as recited in claim 8, wherein said

primitive is an invite user primitive for communicating a request to invite a user to said

network (col 7, lines 33-40; Aravamudan discloses that the method of sending an instant

message communicating the event and eliciting a user response to the client CPE device).

14.    As to claim 14, Aravamudan teaches the method as recited in claim 1, wherein said

at least one other entity is configured to user said information element identifying a client of

said terminal device and said information element identifying a user of said client to

distinguish said user and said client (figure 5; Aravamudan discloses that the method of

identify the client device and the user which associate which each other).

15.    As to claim 15, Aravamudan teaches a system comprising:

at least one terminal device for providing a primitive with an information element

identifying a client of said terminal device and also with an information element identifying

a user of said client (col 4, lines 65 – col 5, lines 13; Aravamudan discloses that the

system of identified the client via the client's client premises equipment through the third

party provider for Instant Message service and the service provider), and

at least one other entity receiving said primitive provided over said network, and by

using said information element identifying a client of said terminal device and said

information element identifying a user of said client to distinguish said user and said client (col 6, lines 45-53; Aravamudan discloses that the system of identified the user based on the registers address of the user's Instant message server and provisions the client CPE software with a unique identification).

16.     As to claim 16, Aravamudan teaches the system as recited in claim 15, wherein said primitive is an update presence primitive for use in communicating presence information to said network (col 6, lines 18-31; Aravamudan discloses that the system of updating the personal and rule database base on the client's Internet addresses and personally defined).

17.     As to claim 17, Aravamudan teaches the system as recited in claim 15, wherein said primitive is an unsubscribe presence primitive for communicating a request to said network to discontinue receipt of selected presence information (col 8, lines 10-19; Aravamudan discloses that the system of determined whether or not the client is terminated from the session and any loss of connectivity and loss of physical connection).

18.     As to claim 18, Aravamudan teaches the system as recited in claim 15, wherein said primitive is a leave group primitive for communicating a request to discontinue participation in a group to said network (col 7, lines 41-49; Aravamudan discloses that the system of determine the time when the user is inactive or disconnect in a period of time).

19.     As to claim 19, Aravamudan teaches the system as recited in claim 15, wherein said primitive is a create group primitive for communicating a request to create a group to said network (col 6, lines 58-63; Aravamudan discloses that the system of creating the buddy group for the user which includes the user's CPE and CSP identity).

20.	As to claim 21, Aravamudan teaches the system as recited in claim 15, wherein said primitive is a get group information primitive for communicating a request for group information to said network (col 9, lines 45-57; Aravamudan discloses that the system of creates buddy groups and defines specific attributes to associates included within each group).

21.	As to claim 22, Aravamudan teaches the system as recited in claim 15, wherein:

said at least one terminal device is configured to provide said primitive with an information element identifying a client of another terminal device (figure 2; Aravamudan discloses that the system of providing the information to identify the clients such as mobile phone, handheld, laptop... which associate with the instant message server and service provider), and

an information element identifying a user of said client of said another terminal device (figure 4; Aravamudan discloses that the system of providing the information which identify the user selects service which registers name and password).

22.	As to claim 23, Aravamudan teaches the system as recited in claim 22, wherein said primitive is a get presence primitive for communicating a request for presence information to said network (col 6, lines 33-44; Aravamudan discloses that the system of providing the new user in accordance with the principles of the present invention which prompted for and selects password).

23.	As to claim 24, Aravamudan teaches the system as recited in claim 22, wherein said primitive is a subscribe presence primitive for communicating a request to subscribe

to presence information to said network (col 3, lines 37-41; Aravamudan discloses that the

system of subscribe client's CPE for the Internet access service).

24.		As to claim 25, Aravamudan teaches the system as recited in claim 22, wherein

said primitive is a message primitive for communicating a message to said network (col 8,

lines 23-31; Aravamudan discloses that the system of conveys instant messages to one or

more predetermined buddies of the user to indicate the off-line status or on-line status of

the user).

25.		As to claim 26, Aravamudan teaches the system as recited in claim 22, wherein

said primitive is an invite user primitive for communicating a request to invite a user to said

network (col 7, lines 33-40; Aravamudan discloses that the system of sending an instant

message communicating the event and eliciting a user response to the client CPE device).

26.		As to claim 28, Aravamudan teaches a device wherein said device is configured to:

			provide said primitive with an information element identifying a client of said device

(col 4, lines 65 – col 5, lines 13; Aravamudan discloses that the device of identified the

client via the client's client premises equipment through the third party provider for Instant

Message service and the service provider), and by

			provide said primitive also with an information element identifying a user of said

client (col 6, lines 45-53; Aravamudan discloses that the device of identified the user based

on the registers address of the user's Instant message server and provisions the client

CPE software with a unique identification).

27.		As to claim 29, Aravamudan teaches the device as recited in claim 28, wherein said

primitive is an update presence primitive for use in communicating presence information to

said network (col 6, lines 18-31; Aravamudan discloses that the device of updating the

·personal and rule database base on the client's Internet addresses and personally

defined).

28.    As to claim 30, Aravamudan teaches the device as recited in claim 28, wherein said

primitive is an unsubscribe presence primitive for communicating a request to said network

to discontinue receipt of selected presence information (col 8, lines 10-19; Aravamudan

discloses that the device of determined whether or not the client is terminated from the

session and any loss of connectivity and loss of physical connection).

29.    As to claim 31, Aravamudan teaches the device as recited in claim 28, wherein said

primitive is a leave group primitive for communicating a request to discontinue participation

in a group to said network (col 7, lines 41-49; Aravamudan discloses that the device of

determine the time when the user is inactive or disconnect in a period of time).

30.    As to claim 32, Aravamudan teaches the device as recited in claim 28, wherein said

primitive is a create group primitive for communicating a request to create a group to said

network (col 6, lines 58-63; Aravamudan discloses that the device of creating the buddy

group for the user which includes the user's CPE and CSP identity).

31.    As to claim 34, Aravamudan teaches the device as recited in claim 28, wherein said

primitive is a get group information primitive for communicating a request for group

information to said network (col 9, lines 45-57; Aravamudan discloses that the device of

creates buddy groups and defines specific attributes to associates included within each

group).

32.     As to claim 35, Aravamudan teaches the device as recited in claim 28, wherein said

device is further configured to:

provide said primitive with an information element identifying a client of another

device (figure 2; Aravamudan discloses that the device of providing the information to

identify the clients such as mobile phone, handheld, laptop... which associate with the

instant message server and service provider), and

provide said primitive with an information element identifying a user of said client of

said another device (figure 4; Aravamudan discloses that the device of providing the

information which identify the user selects service which registers name and password).

33.     As to claim 36, Aravamudan teaches the device as recited in claim 35, wherein said

primitive is a get presence primitive for communicating a request for presence information

to said network (col 6, lines 33-44; Aravamudan discloses that the device of providing the

new user in accordance with the principles of the present invention which prompted for and

selects password).

34.     As to claim 37, Aravamudan teaches the device as recited in claim 35, wherein said

primitive is a subscribe presence primitive for communicating a request to subscribe to

presence information to said network (col 3, lines 37-41; Aravamudan discloses that the

device of subscribe client's CPE for the Internet access service).

35.     As to claim 38, Aravamudan teaches the device as recited in claim 35, wherein said

primitive is a message primitive for communicating a message to said network (col 8, lines

23-31; Aravamudan discloses that the device of conveys instant messages to one or more

predetermined buddies of the user to indicate the off-line status or on-line status of the

user).

36.    As to claim 39, Aravamudan teaches the device as recited in claim 35, wherein said

primitive is an invite user primitive for communicating a request to invite a user to said

network (col 7, lines 33-40; Aravamudan discloses that the device of sending an instant

message communicating the event and eliciting a user response to the client CPE device).

37.    As to claim 41, Aravamudan teaches the device as recited in claim 28, wherein said

at least one other entity is configured to use said information element identifying a client of

said terminal device and said information element identifying a user of said client to

distinguish said user and said client (figure 5; Aravamudan discloses that the device of

identify the client device and the user which associate which each other).

38.    As to claim 42, Aravamudan teaches a server wherein the server is configured to:

said primitive comprises with an information element identifying a client (col 4, lines

65 – col 5, lines 13; Aravamudan discloses that the server of identified the client via the

client's client premises equipment through the third party provider for Instant Message

service and the service provider), and by

an information element identifying a user of said client (col 6, lines 45-53;

Aravamudan discloses that the server of identified the user based on the registers address

of the user's Instant message server and provisions the client CPE software with a unique

identification).

39.    As to claim 43, Aravamudan teaches the server as recited in claim 42, wherein said

primitive is an update presence primitive for use in communicating presence information

(col 6, lines 18-31; Aravamudan discloses that the server of updating the personal and rule

database base on the client's Internet addresses and personally defined).

40.     As to claim 44, Aravamudan teaches the server as recited in claim 42, wherein said

primitive is an unsubscribe presence primitive for communicating a request to discontinue

receipt of selected presence information (col 8, lines 10-19; Aravamudan discloses that the

server of determined whether or not the client is terminated from the session and any loss

of connectivity and loss of physical connection).

41.     As to claim 45, Aravamudan teaches the server as recited in claim 42, wherein said

primitive is a leave group primitive for communicating a request to discontinue participation

in a group (col 7, lines 41-49; Aravamudan discloses that the server of determine the time

when the user is inactive or disconnect in a period of time).

42.     As to claim 46, Aravamudan teaches the server as recited in claim 42, wherein said

primitive is a create group primitive for communicating a request to create a group (col 6,

lines 58-63; Aravamudan discloses that the server of creating the buddy group for the user

which includes the user's CPE and CSP identity).

43.     As to claim 48, Aravamudan teaches the server as recited in claim 42, wherein said

primitive is get group information primitive for communicating a request for group

information (col 9, lines 45-57; Aravamudan discloses that the server of creates buddy

groups and defines specific attributes to associates included within each group).

44.     As to claim 49, Aravamudan teaches the server as recited in claim 42, wherein said

server is configured to:

an information element identifying another client (figure 2; Aravamudan discloses

that the server of providing the information to identify the clients such as mobile phone,

handheld, laptop... which associate with the instant message server and service provider),

and by

an information element identifying a user of said other client (figure 4; Aravamudan

discloses that the server of providing the information which identify the user selects service

which registers name and password).

45.    As to claim 50, Aravamudan teaches the server as recited in claim 49, wherein said

primitive is a get presence primitive for communicating a request for presence information

(col 6, lines 33-44; Aravamudan discloses that the server of providing the new user in

accordance with the principles of the present invention which prompted for and selects

password).

46.    As to claim 51, Aravamudan teaches the server as recited in claim 49, wherein said

primitive is a subscribe presence primitive for communicating a request to subscribe to

presence information (col 3, lines 37-41; Aravamudan discloses that the server of

subscribe client's CPE for the Internet access service).

47.    As to claim 52, Aravamudan teaches the server as recited in claim 49, wherein said

primitive is a message primitive for communicating a message (col 8, lines 23-31;

Aravamudan discloses that the server of conveys instant messages to one or more

predetermined buddies of the user to indicate the off-line status or on-line status of the

user).

48.    As to claim 53, Aravamudan teaches the server as recited in claim 49, wherein said

primitive is an invite user primitive for communicating a request to invite a user (col 7, lines

33-40; Aravamudan discloses that the server of sending an instant message

communicating the event and eliciting a user response to the client CPE device).

49.    As to claim 55, Aravamudan teaches the server as recited in claim 42, wherein said

server is configured to use said information element identifying a client of said terminal

device and said information element identifying a user of said client to distinguish said user

and said client (figure 5; Aravamudan discloses that the server of identify the client device

and the user which associate which each other).

50.    As to claim 56, Aravamudan teaches a physical device comprising:

various layers including a service capabilities layer responsive to various constituent

information elements for combination into an outgoing primitive (col 4, lines 65 – col 5,

lines 13; Aravamudan discloses that the device of identified the client via the client's client

premises equipment through the third party provider for Instant Message service and the

service provider),

said various constituent information elements including an information element

identifying the client of said physical device and an information element separately

identifying a user of said client (col 6, lines 45-53; Aravamudan discloses that the device of

identified the user based on the registers address of the user's Instant message server

and provisions the client CPE software with a unique identification).

51.    As to claim 57, Aravamudan teaches the device as recited in claim 56, wherein said

primitive includes a request for a user identification, said user identification identifies a user

which is a destination of a requested operation (col 6, lines 18-63; Aravamudan discloses that the device of prompted the user to enter his/her user ID, password and registration ID).

52.    As to claim 58, Aravamudan teaches the device as recited in claim 56, wherein said primitive further includes a request for a client identification, said client identification identifies a client of the user (col 6, lines 18-63; Aravamudan discloses that the device of prompted the user to enter his/her user ID, password and registration ID).

53.    As to claim 59, Aravamudan teaches a system for communicating information, comprising:

means for providing said primitive with an information element identifying a client of said terminal device (col 4, lines 65 – col 5, lines 13; Aravamudan discloses that the system of identified the client via the client's client premises equipment through the third party provider for Instant Message service and the service provider), and

means for providing said primitive also with an information element identifying a user of said client (col 6, lines 45-53; Aravamudan discloses that the system of identified the user based on the registers address of the user's Instant message server and provisions the client CPE software with a unique identification),

means for receiving said primitive provided by said terminal device over said network (col 6, lines 33-44; Aravamudan discloses that the system of providing the new user in accordance with the principles of the present invention which prompted for and selects password),

wherein said information element identifying said client of said terminal device and

said information element identifying said user of said client are used by the at least one

other entity to distinguish said user and said client (figure 5; Aravamudan discloses that

the system of identify the client device and the user which associate which each other).

54.    As to claim 61, Aravamudan teaches a device for communicating identification

information comprising:

means for providing said primitive with an information element identifying a client of

said device (col 4, lines 65 – col 5, lines 13; Aravamudan discloses that the device of

identified the client via the client's client premises equipment through the third party

provider for Instant Message service and the service provider), and

means for providing said primitive also with an information element identifying a

user of said client (col 6, lines 45-53; Aravamudan discloses that the device of identified

the user based on the registers address of the user's Instant message server and

provisions the client CPE software with a unique identification).

55.    As to claim 62, Aravamudan teaches the device as recited in claim 61, wherein:

means for providing said primitive with an information element identifying a client of

another device (figure 2; Aravamudan discloses that the device of providing the

information to identify the clients such as mobile phone, handheld, laptop... which

associate with the instant message server and service provider), and

means for providing said primitive with an information element identifying a user of

said client of said another device (figure 4; Aravamudan discloses that the device of

providing the information which identify the user selects service which registers name and

password).

56.      As to claim 64, Aravamudan teaches a server for communicating comprising:

an information element identifying a client of a terminal device (col 4, lines 65 – col

5, lines 13; Aravamudan discloses that the server of identified the client via the client's

client premises equipment through the third party provider for Instant Message service and

the service provider), and

an information element identifying a user of said client (col 6, lines 45-53;

Aravamudan discloses that the server of identified the user based on the registers address

of the user's Instant message server and provisions the client CPE software with a unique

identification).

57.      As to claim 65, Aravamudan teaches the device as recited in claim 64, comprising:

an information element identifying another client (figure 2; Aravamudan discloses

that the device of providing the information to identify the clients such as mobile phone,

handheld, laptop... which associate with the instant message server and service provider),

and

an information element identifying a user of said other client (figure 4; Aravamudan

discloses that the device of providing the information which identify the user selects

service which registers name and password).

58.      As to claim 67, Aravamudan teaches method as recited in claim 1, wherein said

information element identifying said client of said terminal device comprises a client name

and a client address, said information element identifying said user of said client comprises

a user name and a user password (figure 4; col 6, lines 45-53; Aravamudan discloses that

the method of selected password and registers the address of the user's Instant message

server and provisions the client CPE software with a unique identification).

### Claim Rejections - 35 USC § 103

59.    The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

60.    Claims 6, 20, 33 & 47 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Aravamudan, Patent No. 6,301,601 B1 in view of Mendiola, Patent No. 2002/0006803

A1.

Aravamudan teaches the invention substantially as claimed including assignable

associate priorities for user-definable instant messaging buddy groups (see abstract).

61.    As to claim 6, Aravamudan teaches the method as recited in claim 1. But

Aravamudan fails to disclose the claim limitation wherein said primitive is a delete group

primitive for communicating a request to delete a group to said network.

However, Mendiola teaches method and system for inviting and creating accounts

for prospective users of an instant messaging system (see abstract). Mendiola teaches

the limitation wherein said primitive is a delete group primitive for communicating a request to delete a group to said network (page 4, paragraph 65).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Aravamudan in view of Mendiola so that the client user authorized to change, modify or delete the buddies amongst whom messages can be exchanged instantly or dispatched the prospective user in the short message. One would be motivated to do so to improve the system by giving the client a flexibility to create, delete or modify their own buddies' group base on their own criteria.

62.     As to claim 20, Aravamudan teaches the system as recited in claim 15. But Aravamudan fails to disclose the claim limitation wherein said primitive is a delete group primitive for communicating a request to delete a group to said network.

However, Mendiola teaches the limitation wherein primitive is a delete group primitive for communicating a request to delete a group to said network (page 4, paragraph 65).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Aravamudan in view of Mendiola so that the client user authorized to change, modify or delete the buddies amongst whom messages can be exchanged instantly or dispatched the prospective user in the short message. One would be motivated to do so to improve the system by giving the client a flexibility to create, delete or modify their own buddies' group base on their own criteria.

63.     As to claim 33, Aravamudan teaches the device as recited in claim 28.  But

Aravamudan fails to disclose the claim limitation wherein said primitive is a delete group

primitive for communicating a request to delete a group to said network.

However, Mendiola teaches the limitation wherein primitive is a delete group

primitive for communicating a request to delete a group to said network (page 4, paragraph

65).

It would have been obvious to one of ordinary skill in the art at the time of the

invention to modify Aravamudan in view of Mendiola so that the client user authorized to

change, modify or delete the buddies amongst whom messages can be exchanged

instantly or dispatched the prospective user in the short message.  One would be

motivated to do so to improve the system by giving the client a flexibility to create, delete

or modify their own buddies' group base on their own criteria.

64.     As to claim 47, Aravamudan teaches the server as recited in claim 42.  But

Aravamudan fails to discloses the claim limitation wherein said primitive comprise a delete

group primitive for communicating a request to delete a group.

However, Mendiola teaches the limitation wherein primitive comprise a delete group

primitive for communicating a request to delete a group (page 4, paragraph 65).

It would have been obvious to one of ordinary skill in the art at the time of the

invention to modify Aravamudan in view of Mendiola so that the client user authorized to

change, modify or delete the buddies amongst whom messages can be exchanged

instantly or dispatched the prospective user in the short message.  One would be

motivated to do so to improve the system by giving the client a flexibility to create, delete

or modify their own buddies' group base on their own criteria.

### (10) Response to Argument

* Appellant argues that Aravamundan fails to disclose or suggest communicating

    a primitive from a terminal device to a network, and providing the primitive with

    an information element identifying a client and a separate information element

    identifying a user of the client.

Examiner respectfully disagrees.  In response to applicant's argument that the

reference fails to show certain features of applicant's invention, it is noted that the

features upon which applicant relies (i.e., providing the primitive with an information

element identifying a client and a separate information element identifying a user of

the client) are not recited in the rejected claim(s).  Although the claims are

interpreted in light of the specification, limitations from the specification are not read

into the claims.  See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir.

1993).  That feature is not in the claim limitation.  The claim only discloses

"providing said primitive with an information element identifying a client of said

terminal device; and providing said primitive also with an information element

identifying a user of said client".  Aravamundan discloses "providing said primitive

with an information element identifying a client of said terminal device" (col 3, lines

25-50; col 4, lines 65 - col 5, lines 13; Aravamundan discloses identifying a client of

said terminal device from the client premises equipment (CPE), which includes

information to identify the client); and Aravamundan also disclose "providing said

primitive also with an information element identifying a user of said client" (col 6,

lines 45-63; Aravamundan discloses that the user from the client by recognized the

registered address and identification from the user). Furthermore, Aravamundan

also disclose the method of identifying the client from the CPE and also recognized

the user from the software onto his/her CPE device (col 6, lines 45-63). There is

nothing in the claim indicated "identify the user and client are provided in the same

primitive and separate information". Therefore, Aravamundan meets the claim

limitation.

- Appellant argues that Aravamundan does not disclose or suggest that the

  meaning of "client" as recited in claim 1 is distinct from the way the term is used

  in Aravamundan.

  Examiner respectfully disagrees. As the applicant defined the Specification, an

IM client is an implementation of the IM service which allows one ore more IM users

to access the service. The IM client may be hardware, software, firmware, or any

combination thereof (page 5, paragraph 102). Aravamundan defined the client as

the subscribing client and the client's CPE (figure 1 & 2; member 140). It's obvious

to one of ordinary skill in the art would understand that the client disclosed in

Aravamundan is hardware and physical devices (figure 1 & 2). Therefore,

Aravamundan meets the claim limitation.

## (11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the

Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,
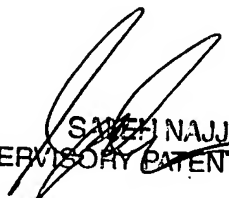
Thuong (Tina) Nguyen

Examiner

Art Unit 2155

Conferees:

/Lynne H Browne/
Lynne H. Browne
Appeal Practice Specialist, TQAS
Technology Center 2100

Saleh Najjar        SALEH NAJJAR
SUPERVISORY PATENT EXAMINER